



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 1/16

*I, Barry Paul King, Coroner, having investigated the death of **Elizabeth Francisca Allen** with an inquest held at the **Perth Coroner's Court** on **11 and 12 January 2016**, find that the identity of the deceased person was **Elizabeth Francisca Allen** and that death occurred on **17 November 2012** at **Great Northern Highway in Muchea** from **multiple injuries** in the following circumstances:*

Counsel Appearing:

Ms K E Ellson assisting the Coroner
Mr P D Yovich SC (instructed by Robert Corboy, Corboy Legal) appearing on behalf of Mr G F E Allen

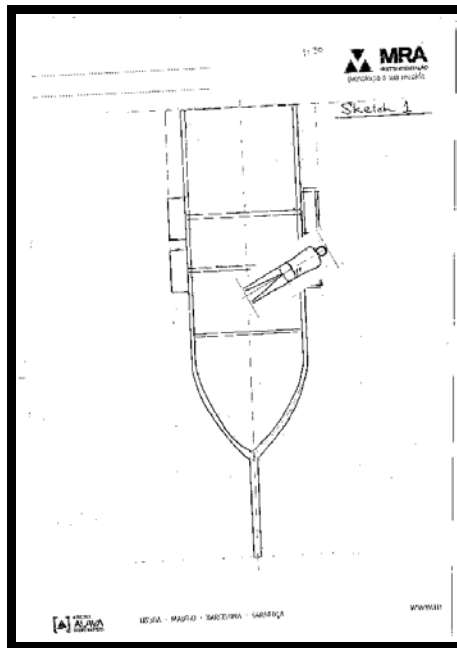
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INTRODUCTION

1. Elizabeth Francisca Allen (**the deceased**) died in the early hours of 17 November 2012 from injuries she sustained when a trailer carrying a boat (**the boat**) ran over her on the side of Great Northern Highway in Muchea.
2. Just before she was run over, the deceased was travelling south on Great Northern Highway in a Toyota Hilux dual-cab utility vehicle (**the Hilux**) that was towing the boat and trailer. Her husband of 30 years, Graeme Frederick Edwin Allen (**Mr Allen**) was driving the Hilux.
3. According to Mr Allen, the deceased had told him to stop because she needed to urinate. He slowed down and pulled over onto the bituminised edge of the roadway but, before he could stop, the deceased got out of the Hilux. After he had come to a stop within a few metres, Mr Allen realised that the deceased had been run over by the trailer.
4. A police investigation into the circumstances of the deceased's death led to a suspicion that Mr Allen had contributed to the death in some way. Police investigators from the Major Crime Squad attempted to obtain evidence that would show that he was or was not criminally culpable for her death.
5. One line of investigation followed by police was the unusual circumstances in which the deceased was run over. An expert in human movement and biomechanics, Professor T R Ackland, was consulted to provide an opinion of the biomechanical aspects of various scenarios that might have precipitated the deceased's death.
6. In his first report, Professor Ackland concluded that the deceased was likely lying with her head and torso in the path of the passenger side wheels of the trailer with her

legs under the trailer in accordance with the following sketch provided by Professor Ackland.¹



7. Professor Ackland's view was that it was difficult to conceive how the deceased's body could have come to be in that orientation if the utility vehicle and the trailer were in motion at all times prior to coming to a stop.
8. After actually viewing the Hilux with the boat and trailer, Professor Ackland provided an addendum report in which he stated that the extent of injuries to the deceased was more consistent with the trailer having passed over her more than once.
9. Professor Ackland also opined that the only way in which the deceased could have got out of the moving utility vehicle and been run over by the trailer would have been if the vehicle was travelling so slowly that she could have moved into the space between it and the trailer close to the tow bar, and had then fallen forward into the path of the trailer tyres.
10. Chief Forensic Pathologist Dr C T Cooke conducted a post mortem examination of the deceased. He did not

¹ Exhibit 1, Volume 2, Tab 2.38

agree with Professor Ackland's view on the possibility of the deceased having been run over more than once.

11. Police investigators remained suspicious of Mr Allen, but concluded that there was no evidence to establish that he was criminally culpable for the deceased's death.
12. I held an inquest into the deceased's death on 11 and 12 January 2016 at the Perth Coroner's Court. The documentary evidence comprised: a report by Senior Constable Nicholas Perich of the Major Crime Squad, together with numerous attachments;² another volume of additional witness statements;³ and various other documents, including photos and more witness statements.⁴
13. Oral evidence was obtained from (in order of appearance):
 - a) Franciscus Anthonius Goedemondt (Mr Goedemondt), the deceased's brother;
 - b) Detective Senior Constable Perich;
 - c) Carolann Leeder-Richards, a friend of the deceased's;
 - d) Senior Constable Adrian Patrick Callaghan, a crash reconstruction officer with the Western Australia Police Major Crash Investigation Section;
 - e) Gerard Martin Norman Leslie Richards, an ex-employee of Mr Allen's;
 - f) Professor Ackland;

² Exhibit 1, Volumes 1 and 2

³ Exhibit 12

⁴ Exhibits 2 to 11 and Exhibit 13

- g) Lee Joseph Buckley, a vehicle investigator attached to the Vehicle Investigation Unit of the Western Australia Police;
 - h) Chief Forensic Pathologist Dr C T Cooke; and
 - i) Mr Allen.
14. Counsel made oral submissions when the oral evidence had been completed.

THE DECEASED

15. The deceased was born in Subiaco in Western Australia on 2 November 1951 and grew up in Morley with her parents and her brother Franciscus. She was schooled at Mercedes College, a Catholic girls' school in Perth. When she left school she worked as a typist.
16. The deceased's father died in 1997 and her mother was in an aged-care facility at the time of the deceased's death.
17. In 1970 the deceased married Kenneth Charles Brittan with whom she had two sons, Leigh and Troy. She and Mr Brittan divorced after six or seven years, following which she moved back into her parents' home in Morley. According to Mr Goedemondt, the deceased told him that Mr Brittan had subjected her to violence while they were married, and that was the reason for the divorce.⁵

THE DECEASED'S RELATIONSHIP WITH GRAEME ALLEN

18. The deceased met Mr Allen in about 1983. They started a relationship and, as I understand the evidence, married in 1985. Mr Allen assumed a step-father

⁵ Exhibit 6; ts 13, 11/1/16 per Goedemondt, F A

relationship with the deceased's sons. They all lived together in Como for some time.⁶

19. From about 1983 the deceased and Mr Allen had a succession of fiberglass pool manufacturing businesses with varying financial success. The deceased worked in the businesses doing bookwork before computers came in and then obtained accreditation to work as a pilot vehicle operator in order to escort trucks that were carrying pools to the north-west of Western Australia.⁷
20. In the beginning of their relationship the deceased did not drink much alcohol, but as time went on she began to abuse it. Several witnesses described her as an alcoholic who drank every day.⁸ It appears that her alcohol problems were compounded by the use of antidepressants, particularly amitriptyline,⁹ though there was no medical evidence of her mental condition.
21. There seems little doubt that the deceased's behaviour when intoxicated was erratic, argumentative and, at times, impulsive and self-destructive. There was evidence indicating that the deceased would put herself in danger.¹⁰ There was also evidence that Mr Allen drank alcohol to excess at times;¹¹ however, he denied drinking to the extent alleged, at least while he was working.¹²
22. The relationship between the deceased and Mr Allen became quite volatile over time.¹³ In 2003 and 2004 they had apparently ongoing incidents requiring the attendance of police for what police described as domestic violence. On each occasion Mr Allen had allegedly been angry at the deceased for her drinking

⁶ Exhibit 1, Volume 1, Tab 2.1.2; Exhibit 12, Statement of Leigh Kenneth Goedemondt

⁷ ts 46, 12/1/16 per Allen, G F E

⁸ Exhibit 1, Volume 2, Tab 33; Exhibit 12, Statements of Rebecca Louise White, Leigh Kenneth Goedemondt

⁹ Exhibit 1, Volume 2, Tab 32; ts 49, 11/1/16 per Leeder-Richards, C

¹⁰ ts 48, 11/1/16 per Leeder-Richards, C; ts 41- 43, 12/1/16 per Allen, G F E

¹¹ Exhibit 1, Volume 2, Tab 33

¹² ts 42-43, 12/1/16 per Allen, G F E

¹³ ts 41-44, 12/1/16 per Allen, G F E; Exhibit 12, Statement of Murray John Allum

and had pushed her, causing her to fall and hit her head.¹⁴

23. On three occasions in 2008 and on one occasion in 2012, police officers attended the deceased's and Mr Allen's home to deal with domestic violence-related incidents. On none of those occasions was there an allegation of an assault.
24. Each attendance in 2008 resulted from Mr Allen calling police after the deceased had become intoxicated and they had an argument which escalated. On one occasion he called police because the deceased was waving a knife that he later took from her. Another attendance occurred after he called police because the deceased was intoxicated and running up and down the street in her underwear.¹⁵
25. Police officers also attended the Allens' home in January 2012, presumably following a complaint by a neighbour about a loud argument arising because the deceased was 'heavily intoxicated'. The deceased and Mr Allen apparently told the officers that no assault had taken place.¹⁶
26. Several witnesses provided statements or oral evidence indicating that they had seen the deceased with bruising consistent with having been struck by Mr Allen, or had been told by the deceased that he had hit her, but no-one had seen him strike her. Ms Leeder-Richards also stated that Mr Allen had told her that he had hit the deceased.¹⁷ There is other evidence of loud and abusive arguments that had been heard but not seen.¹⁸
27. Mr Allen flatly denied having struck the deceased at any time. The deceased's son Leigh, who called Mr Allen

¹⁴ Exhibit 1, Volume 2, Tab 42.1

¹⁵ Exhibit 1, Volume 2, Tabs 42.2, 42.3 and 42.4

¹⁶ Exhibit 1, Volume 2, Tab 42.4

¹⁷ ts 54, 11/1/16 per Leeder-Richards, C

¹⁸ E.g. ts 94, 11/1/16 per Richards, G M N L

'Dad',¹⁹ stated that he had never seen Mr Allen lay a hand on the deceased.²⁰

28. The evidence suggests that one ongoing cause of discord between the deceased and Mr Allen was the deceased's alcoholism and his disgust with it.²¹
29. When the deceased was not affected by alcohol, it seems that she was family-orientated, with a loving nature and an exuberant, outgoing personality.²² She liked fashionable clothes and jewellery and she was proud of her appearance.²³
30. The deceased and Mr Allen were both passionate about boating,²⁴ and they spent a lot of their time together on a 40 foot boat which they had built and equipped over several years.²⁵ It was their intention to retire on their boat.²⁶
31. The evidence of Ms Leeder-Richards makes clear that, despite the volatility of the deceased's relationship with Mr Allen, the deceased adored him.²⁷ In oral evidence Mr Allen stated that he loved the deceased dearly and that, though they had their problems, they were on the outside edge of the problems and moving forward.²⁸

THE RICHARDS MOVE IN

32. According to Mr Allen, in 2011 and 2012 the deceased went to Cape Lambert to stay with him while he was installing large pools there. They went to their home in Port Hedland and brought their boat from Perth so that they could use it on Sundays. She was generally happy

¹⁹ Exhibit 12, Statement of Leigh Kenneth Goedemondt

²⁰ Exhibit 12 per Goedemondt, L

²¹ Exhibit 1, Volume 2, Tab 2.42; Exhibit 12, Statement of Murray John Allum

²² ts 9, 11/1/16 per Goedemondt, F A; ts 43, 11/1/16 per Leeder-Richards, C

²³ ts 47, 11/1/16 per Leeder-Richards, L

²⁴ ts 10, 11/1/16 per Goedemondt, F A

²⁵ ts 49, 12/1/16 per Allen, G F E

²⁶ ts 95, 11/1/16 per Richards, G M N L; ts 51, 12/1/16 per Allen, G F E; Exhibit 1, Volume 1, Tab 2.1.2

²⁷ ts 50, 11/1/16 per Leeder-Richards, C

²⁸ ts 63, 12/1/16 per Allen, G F E

at that time, but at some time during that period she received a phone call in which she was informed that her mother, who suffered from dementia, had fallen and been attacked by dogs. She returned to Perth and moved in with her mother and son at her mother's house in Upper Swan. Mr Allen stayed in the northwest to work.²⁹

33. The deceased and her mother then moved into the Allens' home in Helena Valley. In order to provide the deceased's mother with care and to try to keep the deceased from abusing alcohol, Ms Leeder-Richards and her partner Mr Richards (**the Richards**) moved in with them for a few months.³⁰ Mr Richards was a long-term, intermittent employee of Mr Allen.³¹
34. The date when the Richards stayed with the deceased and her mother is somewhat unclear. Ms Leeder-Richards thought that it was from January to May 2012³² or February to June 2012,³³ Mr Richards stated in August 2013 that it was May to July 2012,³⁴ and Mr Allen said in evidence that it was for about two or three months around late July 2012.³⁵
35. According to Mr Allen, during the time that the Richards were living with the deceased and her mother, the deceased complained to him about smelling marijuana smoke every morning.³⁶ It seems that Mr Richards used cannabis for his epilepsy.³⁷ Mr Allen said that he told the deceased to tell the Richards to move out.³⁸
36. Also during that time, Mr Allen returned from the northwest to spend four days with the deceased. They spent one day at their home and then spent the next three on

²⁹ ts 41-44, 12/1/16 per Allen, G F E

³⁰ ts 43-44, 11/1/16 per Leeder-Richards, C

³¹ Exhibit 1, Volume 2, Tab 2.33

³² Exhibit 1, Volume 2, Tab 2.32

³³ ts 44, 11/1/16 per Leeder-Richards, C

³⁴ Exhibit 1, Volume 2, Tab 2.33

³⁵ ts 48, 12/1/16 per Allen, G F E

³⁶ ts 49, 12/1/16 per Allen, G F E

³⁷ ts 103, 11/1/16 per Richards, G M N L

³⁸ ts 50, 12/1/16 per Allen, G F E

their boat. Mr Allen said that they consumed no alcohol and that the deceased enjoyed herself and looked radiant.³⁹ After their time on the boat, Mr Allen returned to the northwest.

37. At some time after Mr Allen's visit, the deceased asked the Richards to leave the house. Ms Leeder-Richards' evidence was that she and the deceased had a fight over the deceased drinking again and the deceased told her to go. She did not have any contact with the deceased again after that.⁴⁰

THE TRIP TO GERALDTON

38. After the Richards moved out of the Allens' home, Mr Allen remained in Cape Lambert but made contact with the deceased by telephone several times a day. He said in evidence that the period of those last five months or so was among the best of their relationship. He had been receiving payments for the completion of jobs, had substantial funds in the bank, and he was making plans to retire.⁴¹

39. Around the beginning of November 2012 Mr Allen noticed a 23 foot fiberglass boat and trailer advertised for sale in Geraldton. He was in the market for a smaller-sized support boat to go with their 40-foot boat. He and the owner of the boat, John Stanley Johnston, were in discussions about the sale of the boat from early November 2012.⁴² In some of the discussions, Mr Allen was in the Pilbara.⁴³ At about that time, Mr Allen returned to the Perth region and he and the deceased spent about a week on their boat.⁴⁴

40. The deceased became very keen to acquire the boat. On 16 November 2012 Mr Allen called Mr Johnston and

³⁹ ts 50, 12/1/16 per Allen, G F E

⁴⁰ ts 44, 11/1/16 per Leeder-Richards, C

⁴¹ ts 51, 12/1/16 per Allen, G F E

⁴² Exhibit 1, Volume 1, Tab 2.1.1

⁴³ Exhibit 1, Volume 1, Tab 2.2

⁴⁴ Exhibit 1, Volume 1, Tab 2.2

his wife, Lynn Christine Johnston, to conclude the deal and then went to the bank with the deceased and obtained a bank cheque. That afternoon they drove to Geraldton in the Hilux, one of his fleet of work vehicles, which his drivers had just driven to Perth from Newman.⁴⁵

41. The deceased and Mr Allen arrived at the Johnstons' home in Geraldton at about 8.30 pm that evening. Mr Allen spoke primarily with Mr Johnston while the deceased spoke with Ms Johnston.⁴⁶
42. Mr Johnston thought that Mr Allen seemed like a nice bloke, if somewhat stressed about his business. Mr Allen told him that he and the deceased were looking forward to taking the boat to Rottnest that weekend. Mr Johnston got the impression that the deceased was pushing to go to Rottnest and that Mr Allen was trying to make it happen to please her. The deceased and Mr Allen seemed quite happy with each other and were keen to start their retirement together. As they were looking around the boat, they seemed to be getting excited.⁴⁷
43. Mr Johnston stated that he had expected Mr Allen to install a brake controller since the boat and trailer weighed over three tonnes.⁴⁸ A brake controller, if effective, would have caused an actuator on the boat trailer to apply brakes.⁴⁹ Mr Johnston did not have any concerns that Mr Allen would have an accident because he appeared to be a very experienced driver of heavy vehicles and trucks through his business.⁵⁰
44. Ms Johnston stated that she offered the deceased a cup of coffee or tea, but the deceased declined because she said that she had a problem with her bladder. The deceased talked about her family in Perth, her dog

⁴⁵ ts 51-52, 12/1/16 per Allen, G F E; Exhibit 1, Volume 1, Tab 2.1.1; Exhibit 1, Volume 2, Tab 2.27

⁴⁶ Exhibit 1, Volume 1, Tab 2.2

⁴⁷ Exhibit 1, Volume 1, Tab 2.2

⁴⁸ Exhibit 1, Volume 1, Tab 2.2

⁴⁹ Exhibit 1, Volume 1, Tabs 2.2 and 2.24

⁵⁰ Exhibit 1, Volume 1, Tab 2.2

which she had brought with them, and how she liked fishing when she lived in Port Hedland. The deceased told Ms Johnston that they would drive home that night because they wanted to start having fun and go to Rottneest for the weekend.⁵¹

45. Ms Johnston stated that it was an amicable and pleasant meeting and that, as the deceased and Mr Allen were leaving, she and Mr Johnston agreed to swap fishing photos with them as they were such a nice couple.⁵²

EVENTS LEADING UP TO THE DEATH

46. The following account is primarily based on Mr Allen's evidence and records of interviews he gave investigating police.

47. At about 9.30 pm on 16 November 2012 the deceased and Mr Allen left Geraldton in the Hilux, towing the boat and trailer. They could only travel at a maximum speed of 80 to 90 kilometres an hour.⁵³

48. Before leaving Geraldton, Mr Allen had bought two small bottles of champagne for the deceased and a six-pack of beer for himself. He gave the deceased a bottle of champagne with the intention of giving her the other one later if she wanted it.⁵⁴

49. The deceased and Mr Allen made several stops on their way south. They stopped to check their lights and, as they travelled, they stopped to check on a vibration, the cause of which they could not determine.⁵⁵

50. When the deceased and Mr Allen reached Dongara, they stopped at a service station to buy some takeaway food. The food had to be microwaved, so Mr Allen stayed in

⁵¹ Exhibit 12, Statement of Lynn Christine Johnston

⁵² Exhibit 12, Statement of Lynn Christine Johnston

⁵³ Exhibit 1, Volume 1, Tab 2.1.1

⁵⁴ ts 53, 12/1/16 per Allen, G F E

⁵⁵ ts 46, 12/1/16 per Allen, G F E

the service station shop and organised the food while the deceased stayed with the Hilux. After leaving Dongara, they stopped beside the road to eat the food. The deceased had a bottle of champagne and Mr Allen drank one of the beers.

51. They continued their journey, and the deceased fell asleep in the reclined passenger seat. As the deceased and Mr Allen approached Eneabba, the deceased awoke and had to urinate, so they stopped briefly. Mr Allen refilled the Hilux from fuel containers that they were carrying.⁵⁶ Mr Allen discovered that the vibration they had noticed earlier was caused by a jockey wheel that had come down from its stowed position and was hitting the road as they went over bumps.⁵⁷
52. Shortly after 3.00 am on 17 November 2012, the deceased and Mr Allen had passed the turn-off to Muchea and were approaching the intersection with Wandena Road when the deceased told Mr Allen to stop quickly because she had to urinate.⁵⁸
53. Mr Allen indicated to the left and moved over onto the bituminised verge as he slowed the Hilux and trailer. The roadway in that location was single carriageway in each direction. While they were still moving, the deceased opened the passenger door as if to get out. There was a large truck coming up behind them at speed, about to pass them.⁵⁹
54. Mr Allen saw that the deceased was preparing to get out of the Hilux, so he grabbed her arm and told her to close the door. She sat back.⁶⁰
55. While the Hilux was still moving slowly, the truck passed with a loud exhaust noise. Mr Allen had his window down and was watching through his side mirror

⁵⁶ Exhibit 1, Volume 1, Tab 2.2.1

⁵⁷ ts 46 - 53, 12/1/16 per Allen, G F E

⁵⁸ ts 33, 12/1/16 per Allen, G F E; Exhibit 1, Volume 1, Tab 2.2.1

⁵⁹ ts 34 - 38, 12/1/16 per Allen, G F E; Exhibit 1, Volume 1, Tab 2.2.1

⁶⁰ ts 37 and 58, 12/1/16 per Allen, G F E

as it passed, commenting to the deceased about it.⁶¹ He noticed two bumps from the trailer as the truck went by.⁶² When he turned back to the deceased, he saw that she was no longer in the Hilux.⁶³

56. The Hilux soon came to a stop. Mr Allen got out and found the deceased lying on the bitumen a short distance behind the boat and trailer. He picked her up, put her in the passenger seat of the Hilux, attempted to revive her with mouth-to-mouth resuscitation and called '000'. Acting on the instructions of the St John Ambulance operator, he placed the deceased on the ground and administered cardiopulmonary resuscitation until ambulance paramedics arrived.⁶⁴
57. Ambulance paramedics attended within 15 minutes and took over resuscitation attempts from Mr Allen, but the deceased could not be revived.⁶⁵ An ambulance paramedic certified the deceased's life to be extinct at 3.57 am on 17 November 2012.⁶⁶

CAUSE OF DEATH

58. Chief Forensic Pathologist Dr C T Cooke conducted a post mortem examination on 22 November 2012 and found severe crushing type injuries to the head, neck and chest, with extensive fracturing to the ribs and upper part of the spine. There were also injuries to the brain, spinal cord, lungs and aorta.
59. Apart from a small scar to the left temporal lobe of the brain, there was no significant pre-existing injury.⁶⁷ There was no evidence of the cause or any likely effect of the scar.

⁶¹ ts 57, 12/1/16 per Allen, G F E; Exhibit 1, Volume 1, Tab 2.2.1

⁶² ts 38, 12/1/16 per Allen, G F E

⁶³ ts 37, 12/1/16 per Allen, G F E; Exhibit 1, Volume 1, Tab 2.2.1

⁶⁴ ts 41, 12/1/16 per Allen, G F E; Exhibit 1, Volume 1, Tabs 2.2.1, 2.6

⁶⁵ Exhibit 1, Volume 1, Tab 2.6

⁶⁶ Exhibit 1, Volume 1, Tab 2.13

⁶⁷ Exhibit 1, Volume 1, Tab 2.17

60. A toxicological analysis detected a blood alcohol level of 0.075%, low therapeutic levels of the antidepressants amitriptyline and citalopram, and a low level of the benzodiazepam clonazepam,⁶⁸ which I note is used to treat seizures and parasomnia among other things.
61. Dr Cooke formed the opinion, which I adopt as my finding, that the cause of death was multiple injuries.⁶⁹
62. Dr Cooke found signs of injuries that could have been consistent with an assault, but the injuries were readily explained by circumstances where the deceased had been tumbled and dragged under the boat trailer.⁷⁰ His interpretation of the injuries was that they were not assault injuries.⁷¹

POLICE INVESTIGATION

63. At about 6.00 am on 17 November 2012, Sergeant John Smith and Senior Constable Callaghan from the Major Crash Investigation Section arrived at the scene of the deceased's death. Officers from Midland Police had been there for about two hours already.
64. The scene of the incident extended about 60 metres, including a stretch of roadway to the north of the Hilux where items were found on or beside the roadway. The items included two sets of Toyota keys, toilet rolls and a paint brush. A patch of blood was found about eight metres behind the boat.⁷²
65. There was blood and body tissue on the B pillar of the Hilux and blood was found on the passenger side of the console and on the passenger seat. Body tissue had adhered to axle U-bolts on the passenger side of the underside of the trailer.⁷³

⁶⁸ Exhibit 1, Volume 1, Tab 2.18

⁶⁹ Exhibit 1, Volume 1, Tab 2.17

⁷⁰ ts 19-20, 12/1/16 per Cooke, C T

⁷¹ ts 24, 12/1/16 per Cooke, C T

⁷² Exhibit 1, Volume 1, Tab 2.24

⁷³ Exhibit 1, Volume 1, Tab 2.8

66. Senior Constable Callaghan prepared a report and a statement in relation to the circumstances of the deceased being struck by the trailer. He concluded that the physical evidence was insufficient to explain how the deceased, after exiting the vehicle, was positioned such that her upper body was then run over by the left wheels of the trailer.⁷⁴
67. The Hilux and the boat and trailer were taken to a holding yard in Midvale where, on 22 November 2012, forensic field operations officers examined them in detail. No visible blood was present on the boat or trailer. Biological material was seen on the undercarriage of the trailer on the axle. No blood or biological material was found on the undercarriage of the Hilux, but blood was located on the outside of the front passenger door and on numerous surfaces in the interior, including the dashboard, the passenger and door and the centre console.⁷⁵
68. Mr Buckley, a vehicle examiner with the Vehicle Investigation Unit State Traffic Operations Midland, examined the Hilux and the boat and trailer on 23 November 2012 and 26 November 2012. He noted that the trailer braking unit could not operate because no brake controller had been fitted to the Hilux and that, in any event, there was a fault with the brake actuator on the trailer so that the trailer brakes did not operate.⁷⁶
69. Mr Buckley said in oral evidence that the brakes on the Hilux were good and that the lack of trailer brakes would not have affected the braking distance of the Hilux and boat trailer at less than 15 kilometres an hour.⁷⁷

⁷⁴ Exhibit 1, Volume 1, Tab 2.8

⁷⁵ Exhibit 1, Volume 1, Tab 2.20

⁷⁶ Exhibit 1, Volume 1, Tab 2.24

⁷⁷ ts 6, 12/1/16 per Buckley, LJ

70. Mr Buckley agreed that there was no defect or fault detected in any of the vehicles that would have contributed to the circumstances of the incident as he understood them.⁷⁸
71. In short, apart from the unexplained means by which the deceased got out of the Hilux and was run over by the trailer, the results of the police investigation of the scene and the vehicles were consistent with Mr Allen's version of events. The existence of the items found on or near the roadway was explained by the clutter of gear in the Hilux left by the drivers who had driven it down from Newman. The sets of keys were for other vehicles in Mr Allen's fleet. It is easily conceivable that, as Mr Allen suggested, these items were knocked out of the Hilux when the deceased moved out of it.⁷⁹
72. How did the deceased get run over?

PROFESSOR ACKLAND'S EVIDENCE

73. In oral evidence Professor Ackland said that, before being asked to provide an opinion on the circumstances of the deceased's death, he had no experience in motor vehicle accident reconstruction or in dealing with a case where a person had been run over by a vehicle.⁸⁰ He effectively conceded that there were far too many variables involved in the movement of a person in a car accident for him, with his expertise, to conclude on the evidence available to him that the deceased was run over more than once.⁸¹
74. Professor Ackland readily deferred to Dr Cooke's expertise and accepted that the deceased's injuries would have occurred from being run over once by the boat trailer.⁸²

⁷⁸ ts 8, 12/1/16 per Buckley, L J

⁷⁹ ts 59, 12/1/16 per Allen, G F E

⁸⁰ ts 109-110, 11/1/16 per Ackland, T R

⁸¹ ts 128, 11/1/16 per Ackland, T R

⁸² ts 117-128, 11/1/16 per Ackland, T R

75. Professor Ackland also made clear his opinion that it was entirely possible that the deceased could have stepped out or fallen out of the Hilux.⁸³
76. However, Professor Ackland remained of the view that the position of the deceased when run over was as he depicted in his sketch.⁸⁴ He considered that, in order for the deceased to have been in that position, she must have been between the trailer and the Hilux sometime prior to being run over. In his opinion, for that to have happened, the vehicles would have been either stationary or travelling at one or two kilometres an hour.⁸⁵
77. Dr Cooke agreed that Professor Ackland's sketch was a fair representation of how the deceased was likely to have been oriented as she was run over.⁸⁶
78. As to how the deceased came to be in that orientation under the boat trailer if the boat and trailer were moving towards her, Dr Cooke said that it was a mystery.⁸⁷
79. Senior Constable Callaghan gave oral evidence about the complexity of reconstructing motor vehicle collisions involving pedestrians. He said that the first point of contact for the deceased would have been the front of the boat or the draw bar of the trailer, depending on whether she was bent over or not.⁸⁸ He said that he could not find any marks or scuffs on the boat or the trailer indicating contact with the deceased, but said that the absence of marks did not mean that it had not occurred,⁸⁹ especially in relation to the boat because of the nature of its surface.⁹⁰

⁸³ ts 128, 11/1/16 per Ackland, T R

⁸⁴ ts 115, 11/1/16 per Ackland, T R

⁸⁵ ts 129, per Ackland, T R

⁸⁶ ts 21, 12/1/16 per Cooke, C T

⁸⁷ ts 28, 12/1/16 per Cooke, C T

⁸⁸ ts 70, 11/1/16 per Callaghan, A P

⁸⁹ ts 75, 11/1/16 per Callaghan, A P

⁹⁰ ts 78, 11/1/16 per Callaghan, A P

80. After some inconclusive discussion, Senior Constable Callaghan was shown Professor Ackland's sketch of the position of the deceased when run over. He said that, if the deceased had moved in between the vehicles as they were moving, he would not expect that she would be lying in that position.

HOW DEATH OCCURRED

81. The evidence of Professor Ackland, Dr Cooke and Senior Constable Callaghan establishes that the Hilux and boat and trailer were either stationary or moving very slowly when the deceased moved into the position where she was run over by the trailer. In other words, it was possible that the trailer was moving when the deceased moved into that position, provided that it was moving sufficiently slowly; in Professor Ackland's opinion, slower than about two kilometres an hour.

82. Mr Allen was unequivocal in saying that at no time did the Hilux stop before the deceased was run over.⁹¹ His evidence was consistent with what he told police officers during recorded interviews.⁹²

83. Mr Allen's estimate, in miles per hour or kilometres per hour, of how fast the Hilux was moving when the deceased got out of it varied, but it seems to me that he was trying to put a figure on a very slow speed. In his first interview with police, he said, '... the thing was braking quite good, so it was probably ticking over ...'; and, 'And I stopped – where she landed, I stopped two or three metres away from where she was, so I had only – I was only doing, you know, very minor speed, if any at all, probably four maybe five miles an hour – probably even less than that maybe.'

84. In my view, Mr Allen's evidence is consistent with the trailer moving at less than two kilometres an hour.

⁹¹ ts 39 - 63, per Allen, G F E

⁹² Exhibit 1, Volume 1, Tabs 2.2.1 and 2.2.2

85. Mr Allen's evidence of the positive nature of his relationship with the deceased and their plans for the future was supported by the police forensic investigation and other circumstantial evidence, including their trip to Geraldton to buy the boat.
86. Mr and Ms Johnston's evidence of the warm relationship they witnessed between the deceased and Mr Allen, together with their excitement of obtaining the boat and using it to go to Rottnest, strongly supports Mr Allen's evidence.
87. In my view, the possibility that Mr Allen deliberately ran over the deceased is remote.
88. While the mechanical details of precisely how the deceased came to be under the boat trailer are unclear, I am satisfied on the basis of the evidence that the deceased impulsively got out of the Hilux while it was still moving slowly and stepped or fell back into the path of the approaching boat and trailer, which ran over her and caused her severe crush injuries which caused her death.
89. I find that death occurred by way of misadventure.

CONCLUSION

90. Determining the facts of the deceased's death was difficult.
91. There were many troubling aspects to the evidence. The circumstances in which the deceased died were so unusual as to constitute a mystery. Expert evidence initially indicated that Mr Allen may have intentionally run over the deceased, and evidence consistent with a history of domestic violence fuelled the suspicion.
92. There also appeared to be reasonable grounds for an alternative scenario in which Mr Allen accidentally moved

the boat and trailer over the deceased while she was behind the Hilux after he had stopped it.

93. After careful consideration of the evidence, I am satisfied that the deceased died as the result of her own actions.
94. I must emphasise that the deceased's death is no less tragic than it would have been in other circumstances. It is a terrible irony that, in acquiring the boat, she and Mr Allen had just taken a major step towards the enjoyment of their retirement.
95. The deceased's death is a stark reminder of how fragile life can be.

B P King
Coroner
3 June 2016